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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,630	07/13/2001	Vadim Antonov	005642.P001	3706

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BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Boulevard, Seventh Floor
Los Angeles, CA 90025-1026

EXAMINER

DAS, CHAMELI

ART UNIT	PAPER NUMBER
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2192

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,630

Applicant(s)

ANTONOV ET AL.

Examiner

CHAMELI C. DAS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-9, 11-18, 20-29 and 31-42 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4, 6-9, 11-18, 20-29 and 31-42 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. This action is in response to the amendment filed on 5/18/05.
2. Claims 1, 16, 26, and 32 have been amended.
3. Claims 5, 10, 19 and 30 have been canceled.
4. Claims 1-4, 6-9, 11-18, 20-29, and 31-42 have been rejected.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 16, 26 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 16, 26 and 32 contain the trademark/trade names like "Exigen Object Library". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe processes, accordingly, the identification/description is indefinite.

Response to the Arguments

7. Applicant's argument filed on 5/18/05 has been fully considered but they are not persuasive. In remarks, the applicant argues in substance:

(1) Mattaway (US6,226,678) does not teach or suggest using an Exigen Object Library (EOL) to dynamically match the first process and the second process as claimed.

Response:

(1) Mattaway (US6,226,678) discloses dynamically match the first process and the second process (Mattaway, col 17, lines 1-20, col 20, lines 43-56, abstract, and col 15, lines 46-54), where Webphone software able to communicate between first process and second process (col 17, lines 15-20) and the Webphone API utilizes to transfer data of different type (col 17, lines 5-8) and Webphone transfers the data in real-time (dynamically). It clearly shows "dynamically matching a first type of the first process and a second type of the second process" as claimed. Using a dynamic link library to dynamically match the first type of the first process and the second type of the second process (Mattaway, col 17, lines 1-20, lines 43-56). Mattaway discloses that the system establishes a real-time communication (see abstract) using dynamic link library (col 5 lines 46-54), where "Webphone database" 1318 is a dynamic link library (col 15 lines 51-52).

Mattaway discloses dynamic link library (col 15 lines 51-52). Mattaway does not teach Exigen object library. Exigen object library is just a name of any dynamic link

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library. Mattaway discloses using dynamic library to dynamically match the first process and the second process as claimed. The claims do not recite any other special function that "Exigen Object Library (EOL)" performs. The EOL of the present application performs the similar function as Mattaway's "dynamic link library" performs. In Mattaway's reference the name of the library function is "Webphone database". It does not matter with the name of the library function. Whatever the name of the library function is, the functional capabilities are same.

(2) Neither Mattaway nor Nakamura teaches using an Exigen Object Library to dynamically match the first process and the second process as claimed.

Response:

(2) Mattaway discloses dynamically match the first process and the second process by using dynamic link library. And Nakamura discloses asynchronous connection. "Exigen Object Library (EOL)" is just a name of the dynamic link library. The claims of the present application do not recite any other special function that EOL performs. In claims the EOL performs similar function as Mattaway's (dynamic link library, "Webphone database") does. It does not matter with the name of the library function. Whatever the name of the library function is, the functional capabilities are same.

For all other rejections, see the previous office action.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 703-305-1339.

The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 703-305-4552. The fax number for this group is (703) 872-9306.

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After October 25, 2004, the examiner can be reached at new telephone number (571) 272-3696, and the examiner's supervisor Tuan Dam can be reached at (571) 272-3695.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 571-272-2100.

Chameli C-D on
CHAMELI C. DAS
PRIMARY EXAMINER
6/28/05